IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 322 OF 2006

Shri G. Thiagarajan
Alias Rajan Gopal .. Petitioner.

vs.

Jimmy Framji Jesia
& Ors. .. Respondents.

Petitioner in person.
Mr. Aditya Chitale for respondent no.1.

CORAM : S.U. KAMDAR, J.
DATE : 24th April, 2006.

P.C.:

. The present petition challenges the order dated 3.10.2005 passed by the Labour Court at Bombay.

2. Some of the material facts are as under :-

. An application was moved by the petitioner before the Labour Court being Application (IDA) No. 169 of 1992 in which an order was passed holding that the petitioner is not a workman. Against that

order he preferred a writ petition in this Court being Writ Petition No. 564 of 1995. The matter was settled and ultimately the petitioner has withdrawn the said writ petition. Thereafter another pending application being Application (IDA) No. 584 of 1991 was disposed of by the Labour Court holding that the same do not survive in view of the order passed in the earlier writ petition. The said order was also challenged by filing a second writ petition being Writ Petition No. 1715 of 1999. The said writ petition is also disposed off by holding that the application was not maintainable and the matter was settled in earlier round of litigation. This order was thereafter challenged before the Division Bench of this Court and the Division Bench by an order dated 21.2.2002 dismissed the said appeal and, thereafter the Supreme Court has also by an order dated 4.2.2004 confirmed the said order. The Supreme Court has in its order directed the respondents to pay a sum of Rs. 1 lac in full and final settlement to the petitioner. The said payment of Rs. 1 lac has already been made by the respondent to the petitioner. However, even after the Supreme Court order disposing off the dispute between the parties as finally settled, the petitioner has prosecuted the present application before the Industrial Court. This application was for damages on the alleged ground that there is a false evidence. The said application is sought to

be filed under Section 11 (3), which has been dismissed by the Industrial Court against which the present writ petition is filed.

3. Firstly in my opinion the claim for damages is not within the purview of the Industrial Court under the Industrial Disputes Act, 1947. Under Section 11 (3) the power is given to the Industrial Court for enforcing attendance and for issuing summons does not mean that the Industrial Court has power of Civil Court to grant damages or award damages on the ground that there is false evidence led between the parties. Secondly, in my opinion, the disputes are finally settled by an order of the Apex Court dated 4.2.2004 passed by the Supreme Court in Civil Appeal No. 8279-81 of 2002. In that light of the matter it was not proper for the petitioner to press the application (IDA) No. 111 of 1998 which was pending prior to the passing of the said order by the Apex Court. In view thereof I do not find any infirmity in the order passed by the Labour Court rejecting the application of the petitioner by the impugned order. Accordingly, the writ petition fails and the same is dismissed. No order as to costs.